

Waste Disposal Permits

Solid Waste Permits

What types of permits are issued (possibly in your neighborhood) to recycling centers, transfer stations, landfills, incinerators and other facilities used to dispose of garbage and other solid wastes?

Solid waste can be a solid, a liquid, or a gas (in a container). The IDEM Office of Land Quality (OLQ) issues several different types of permits required for various types of solid waste.

Like the application for many IDEM-issued permits, these types of solid waste permitting applications require the applicant to provide an affidavit stating that adjoining property owners and occupants were, or will be, notified within ten (10) day of submitting the application. The applicant also must identify and provide the addresses of local county and city (or town) elected officials as part of the application. This information will help the IDEM Office of Land Quality (OLQ) to notify those officials about the application and the final permitting decision.

The types of waste disposal permits issued by the IDEM OLQ include permits for land disposal facilities, waste processing facilities, or permit modifications to either of these types of facilities. For example:

Solid Waste Land Disposal Facilities (three [3] types):

- 1) Municipal Solid Waste Landfills (MSWLFs)
 - MSWLFs generally accept most commercial and residential wastes (all the materials you leave out for curbside pickup), construction or demolition debris, most non-hazardous industrial wastes, and yard wastes of grass clippings and limbs less than three (3) feet in length.
- 2) Construction/Demolition Debris Landfills (C/D Landfills)
 - C/D Landfills generally may only accept construction or demolition debris. C/D Landfills may accept asbestos products which are nonfriable, (unlikely to be crumbled and therefore not as likely to become airborne; such as asbestos tiles or shingles), but may not accept friable asbestos wastes (loose, shredded, or easily pulverized asbestos containing products which could become airborne) even if those wastes are properly bundled. C/D Landfills also may accept architectural elements (such as moldings, doors, trim, radiators, shelves, gutters, windows, cabinets, etc.) coated with lead-based paint, but may not accept lead-based paint wastes (such as lead-based paint dust or sludge) generated by lead-based paint removal projects.
- 3) Restricted Waste Sites (RWS); Types I, II, or III
 - Industrial waste landfills that are limited to accepting only very limited types of non-hazardous industrial waste, usually the wastes generated by a single type of industrial activity, often from a single facility.

Solid Waste Processing Facilities (two [2] types):

1) Municipal Solid Waste Incinerators

- Accept most commercial and residential wastes.

2) Municipal Solid Waste Transfer Stations

- Serve as collection points which sort wastes (and also may remove recyclable materials) and combine small loads for transportation to landfills

Permit Modifications

Major Modification to a Solid Waste Disposal Facility

- A change that increases the capacity of a solid waste land disposal or processing facility by the lesser of 10% or 500,000 cubic yards, or changes a land disposal facility's solid waste boundary by more than one acre.

Minor Modification to a Solid Waste Disposal Facility

- A change that is not a major modification; that is, a change that does not increase the capacity of a solid waste land disposal or processing facility by the lesser of 10% or 500,000 cubic yards, or change a land disposal facility's solid waste boundary by more than one acre. On the other hand, a Minor Permit Modification would not be required for insignificant facility modifications which either do not effect the environmental protection at the facility or improve the facility's operation without significantly altering its permit such as the relocation of facility waste hauling roads, office buildings, or collection containers, changes in the sequences of filling permitted areas, installation of temporary sediment control or leachate control systems, installation of additional methane vents, or the horizontal replacement of monitoring wells of equal depth by less than ten feet.

OLQ is required to use one of three (3) different public notice processes, depending on the type of permit or the level of modification approval being requested by the applicant. The greater the potential environmental impact of a permit or modification, the more comprehensive the application, the more thorough the application review process, and the greater the opportunity for public participation.

The three (3) different types of public notice processes are for:

1) Applications for:

a) A permits for a:

- i) Municipal Solid Waste Landfill (MSWLF),
- ii) Construction/Demolition Landfill (C/D Landfill),
- iii) Restricted Waste Site (RWS), or
- iv) Solid waste incinerator, or

b) A major modification (change) to any one of these types of facilities.

These permitting processes provided the greatest opportunity for public input.

2) Applications for:

- a) A minor modification to any solid waste disposal or processing facility, or
- b) A permit for air emissions from a MSWLF (municipal solid waste landfill).

- 3) Applications for a permit for a Transfer Station (including those with a Recycling Center). These permits have less potential environmental impact, and a less extensive public notice process.

How can you participate in the process when IDEM is considering issuing a permit for a solid waste landfill or incinerator, or a major modification to such a facility?

OLQ has three hundred and sixty-five (365) days to issue a permitting decision on a MSWLF, C/D Landfill, RWS, municipal waste incinerator, or a major modification to an incinerator or any of these types of land disposal facilities. At the time the application is first received by OLQ the adjoining property owners are notified by the applicant. Local county and city or town officials are notified by OLQ.

Once the application for a solid waste disposal facility, or a major modification to an existing solid waste disposal facility, is deemed to be a completed application – that is, OLQ has determined that all the information asked for on the application has been provided by the applicant – OLQ will publish a public notice in a newspaper of general circulation in the county in which the facility is located, or is proposed to be located. If there is a second newspaper of general circulation within the affected county, OLQ will publish the public notice in both newspapers. If the facility is located within one (1) mile of the boundary of an adjacent county, a public notice also will be published in a newspaper of general circulation in that county as well. In addition, OLQ will place the public notice on its Internet web site.

The required public notice will describe the proposed project. It also will announce the beginning of a thirty (30) day public comment period, and will provide instructions on how you may submit comments. In addition, the public notice will list a contact person at OLQ who can provide additional information about the permitting request. It also will advise you that a copy of the permit application may be viewed in the IDEM file room (11th Floor, Indiana Government Center North, 100 N. Senate Avenue, Indianapolis) and describe how you may request a public hearing on the permitting request. A public hearing is automatically scheduled if the applicant is seeking a permit for a new solid waste land disposal facility, a new incinerator or for a major modification to a solid waste land disposal facility or incinerator.

If a public hearing is automatically scheduled, the date, time, and location of that hearing is announced in the public notice. A public hearing is not automatically scheduled for permit renewals. If a public hearing is not automatically scheduled, but is held at the request of a citizen, OLQ will post a separate public notice announcing the hearing in the newspaper, or two primary newspapers, of general circulation in the affected county at least ten (10) days in advance of the hearing. If a public hearing is held (regardless of whether it was scheduled automatically, or held upon a citizen request) OLQ will record and accept verbal public comments made at the hearing. OLQ will also accept public comments for ten (10) additional days beyond the date of any hearing.

During the public comment period, OLQ also will receive comments regarding the applicant's Good Character disclosure statement. (The Good Character disclosure statement should describe any prior legal proceedings, judgements, or convictions. The applicant's experience managing similar wastes, any prior complaints that resulted in fines and any record of violating state and federal law or endangering public health should also be made known, with descriptive accounts of any such transgressions. OLQ may deny a permit to any applicant with a documented and substantial record of convictions, repeated violations, or intentional misrepresentation.)

In addition to any public hearings held by OLQ, applicants seeking a permit for a new solid waste land disposal facility or to make modifications to an existing solid waste land disposal facility also must themselves conduct a public meeting. That public meeting must be held in the affected county within sixty (60) days of when the permit application is declared complete by OLQ. The applicant also must publish a public notice announcing the meeting in a newspaper, or newspapers, of general circulation within the affected county at least ten (10) days before the meeting. That public notice must list the date, time, and exact place of the meeting and must appear in a section of the paper other than in the classified ads or the legal notices sections of the newspaper. At the public meeting, the applicant must 1) present a description of the location of the proposed facility or major modification, 2) indicate where a copy of the application may be viewed, 3) describe any design alternatives, 4) clarify that OLQ is accepting public comment and describe how to submit comments to OLQ, 5) provide the public with a fact sheet on the project which has been prepared by OLQ, and 6) offer opportunities for questions and comments.

After the public meetings and hearings have been held, and the public comment period has ended, OLQ must issue a permitting decision within the legally allowable time period for reviewing permit applications (For new land solid waste disposal facilities, new incinerators, or major modifications to either of these facilities, the time allotted is three hundred and sixty-five (365) days.) The final decision is announced by OLQ in a Notice of Decision.

The Notice of Decision is mailed to the applicant, local county and city or town officials, and everyone on the interested parties list, as well as to all persons who submitted public comments and any other persons who requested to be placed on the mailing list for the Notice of Decision. A copy of the actual permitting decision (the permit) is sent to the applicant. A copy of the permit decision also is placed in the local library by OLQ and also is posted on the Internet (at http://www.state.in.us/ideq/olq/permits/permit_notices/index.html).

The Notice of Decision summarizes the permit, and advises that it may be viewed at the local library. A response to the comments received during the public comment period also is included with the Notice of Decision, as well as information on how OLQ's permitting decision may be appealed to the Office of Environmental Adjudication within 18 days of receipt of the notice of decision.

How can you participate in the process when IDEM is considering issuing a minor modification to an existing solid waste incinerator or land disposal facility, a major or minor modification to an existing transfer station, or a permit for air emissions from a municipal solid waste land fill?

OLQ has one hundred and eighty (180) days to consider applications for permits or major modifications to transfer stations or recycling centers, and ninety (90) days to consider applications for minor modifications to any type of solid waste processing or disposal facility. As with most other IDEM permits, the applicant must notify adjoining property owners. OLQ will notify local county and city or town officials that an application for this type of permitting approval has been received. The applicant must include in its application a list of affected parties; all adjoining property owners and occupants, as well as all property owners who own land within one-half (½) mile of the solid waste boundary (the boundary line within which solid waste may be disposed of).

Prior to the distribution by OLQ of the Notice of Decision announcing OLQ's final permitting decision on these major or minor modification or air emissions permits, there is no public notice given for these types of requests except the notice given to adjoining property owners and local officials. However, if there is substantial public interest, or citizens file a petition, a formal public hearing will be held. Before the hearing, a public notice would be published in the primary newspaper, or newspapers, of general circulation within the affected county to announce the date, time, and location of the hearing. The newspaper notice also would announce that there would be a thirty (30) day public comment period. OLQ would make a fact sheet available at the hearing, where both written and recorded verbal comments would be accepted. The applicant would be invited, but not required to attend the hearing, and at OLQ's discretion, a more informal discussion or question and answer period could be held after the formal hearing.

When the final permitting decision is made by OLQ, a Notice of Decision will be mailed to the applicant, local area officials, all interested parties, anyone who otherwise requested to be notified, and to anyone who provided public comment if a public hearing and public comment period were held. Copies of the permit decision are provided to the applicant, and also placed in the local library of the affected county and posted on the Indiana Department of Environmental Management's web site. The Notice of Decision will summarize the permit or modification and advise that it may be viewed at the library. If a hearing and public comment period were held, a summary of responses to comments also will be included. The Notice of Decision also will include information on how OLQ's permitting decision may be appealed to the Office of Environmental Adjudication within 18 days of the decision.

How can you participate in the process when IDEM is considering issuing a permit for a Transfer Station (including those with an associated recycling center)?

Some transfer stations may include recycling activities. However, a solid waste processing facility is not considered to be a "recycling center" unless ninety percent (90%) of the material handled at the facility maybe delivered back to manufacturing

companies for reuse without any further processing. Such recycling centers are not required to have a permit (see 329 IAC 11-2-47(b)(3)).

As with most other IDEM permits, the applicant must notify adjoining property owners. OLQ will notify local county and city or town officials that an application for this type of permitting approval has been received. OLQ has one hundred and eighty (180) days to consider applications for transfer station permits.

When a permit application for a new solid waste processing facility or transfer station or major permit modification of one of these permits is declared complete by the Office of Land Quality, a Notice of Receipt will be published by the Office of Land Quality. OLQ will publish the public notice in a newspaper of general circulation in the county in which the facility is located, or is proposed to be located. If there is a second newspaper of general circulation within the affected county, OLQ will publish the public notice in both newspapers. If the facility is located within one (1) mile of the boundary of an adjacent county, a public notice also will be published in a newspaper of general circulation in that county as well. In addition, OLQ will place the public notice on its Internet web site.

The public notice will describe the proposed project. It also will announce the beginning of a thirty (30) day public comment period, and will provide instructions on how you may submit comments. In addition, the public notice will list a contact person at OLQ who can provide additional information about the permitting request. It also will advise you that a copy of the permit application may be viewed in the IDEM file room (11th Floor, Indiana Government Center North, 100 N. Senate Avenue, Indianapolis) and describe how you may request a public hearing on the permitting request.

When the permit decision is reached, OLQ will issue a Notice of Decision which summarizes the permit, and advises that it may be viewed at the local library. A response to the comments received during the public comment period also is included with the Notice of Decision, as well as information on how OLQ's permitting decision may be appealed to the Office of Environmental Adjudication within 18 days of receipt of the notice of decision.

Other Types of Solid Waste Permits or Approvals Issued by OLQ

What other types of permits are issued by the IDEM OLQ for handling, processing, treating, re-using, or disposing of non-hazardous solid waste?

In addition to permits for landfills, incinerators, and other solid waste processing or disposal facilities which handle or accept large quantities of a wide variety of solid wastes, the OLQ also issues other permits and approvals which address more specific types of waste such as sludge, certain types of wastewater, animal waste, vegetative wastes, and waste tires. Although some of these types of waste also are accepted at landfills, sometimes as daily cover or as part of a final cover, in other instances there may be limits, or even bans on the disposal these wastes in landfills.

How can you participate in the process when IDEM is considering issuing permit to land apply or market certain biodegradable sludges or biosolids?

The IDEM Office of Land Quality (OLQ) issues permits allowing certain biodegradable waste materials such as some industrial waste products, and biosolids from wastewater treatment processes, which have value as a source of soil enrichment or plant nutrient to be applied to the land. Once any disease-causing organisms are reduced to acceptable levels and the quality of the material is found to be acceptable, such materials may be applied to agricultural lands, development sites, or reclamation projects. IDEM issues two types of permits for land application. Non Site-Specific permits authorize the application of high quality biosolids and industrial waste products on any agricultural land within given counties, but do not specify any particular site. Site-Specific land application permits list those sites on which materials may be applied. Persons wishing to market or distribute biosolids and industrial waste products must first obtain a Marketing and Distribution Permit from OLQ. Similarly, the land application of pollutant-bearing water (domestic wastewater, industrial process wastewater, or industrial storm water) also requires a permit. Construction of off-site storage structures also are regulated by the land application program and may require either a notification or an approval to construct through submission of a construction permit application.

The applicant must notify adjoining property owners and occupants that it has applied for a permit if the sites where material is to be land applied are identified. OLQ must notify affected local area county and city or town officials that an application has been received. OLQ also notifies the county health department, planning commission and solid waste management district. The applicant must also provide to OLQ a list of other potentially affected parties such as persons whose property could be affected, or other potentially affected persons. There are no specific deadlines for the review of applications for Land Application Permits. However, permitting decisions generally are issued within 180 days.

When an application is received by OLQ for the land application or distribution of a waste material, a copy of the application is provided to the public library in each affected county. OLQ publishes a public notice in the newspaper, or newspapers, with the largest daily circulation in each affected county, or counties. (Permits to widely distribute waste material are public noticed in the Indianapolis Star, the newspaper with the largest circulation in Marion County). The public notice describes the type of permit being sought, identifies the locations of any listed sites where the waste material will be land applied, advises that the application may be viewed in the IDEM file room or at the local library, announces that there is a thirty (30) day public comment period, lists a contact person with the applicant, provides information on how to submit comments, and explains how to request a public hearing.

Public meetings are neither required nor routinely held. However, OLQ staff will meet informally with any individual or small group making such a request. If a public hearing is requested, it may be held at OLQ's discretion. If a hearing is held, it will be preceded by a second thirty (30) day public comment period which may be extended to ten (10)

days beyond the date of the hearing. At a formal hearing, there is no back-and-forth dialogue, and no questions will be answered by OLQ. OLQ will provide a fact sheet and information on where to send written comments. All verbal comments will be recorded.

Once a permitting decision is made OLQ will distribute a Notice of Decision to potentially affected parties. If a permit is issued, copies will be provided to the applicant, the operator, the county health department, the county planning commission, the solid waste district, each participating land owner, the Allen County Public Library (as a result of a long standing request by an environmental group), to any consultants and contractors listed on the application, and any persons who received an individual response to a public comment. A copy of the permit also will be posted on the OLQ web site.

The Notice of Decision, summarizing the permit and advising that a copy of the permit may be viewed at the IDEM file room or at the local county health department, will be sent to all affected parties identified by the applicant. The Notice of Decision also will explain how OLQ's permitting decision may be appealed to the Office of Environmental Adjudication within 18 days of the decision.

How can you participate in the process when IDEM is considering issuing a permit to land apply sanitary wastewater from septic systems or portable sanitary units?

Sanitary wastewater from septic systems, holding tanks, portable toilets, and other facilities not connected to a sanitary sewer system generally is either trucked to private or municipal wastewater treatment plants or disposed of by land applying it as a fertilizer. OLQ issues permits to the businesses that haul wastewater. Each truck also must be licensed by OLQ. Wastewater disposal permits also are issued for the sites where it is land applied and for any on-site wastewater storage facilities. Before it is land applied, the wastewater is treated to reduce the level of disease-causing organisms.

There are no time requirements OLQ must meet to issue business permits, vehicle licenses or storage permits, but half of all business permits and vehicle licenses are issued within 21 days. OLQ is allowed one hundred and eighty (180) days to issue a land application site permit. All permits for the management of septic or sanitary wastewater expire on February 28 of each year, except that the storage permit is valid for as long as the business is in operation and in compliance.

When OLQ receives an application for a permit for a wastewater hauling and disposal business, a land application site, or an on-site storage facility OLQ notifies local county and city or town officials, the local sheriff's department, and the county health department that the application has been received. The applicant is required to notify adjoining property owners and occupants of any application for a new permit, but permit renewals do not require neighbor notification. The applicant also must list in the application any other persons who might be considered potentially affected parties; competitors, other persons whose property could be affected, or other potentially affected persons.

There are no public notice requirements or any public comment period for these types of permits. There also are no public meetings or public hearings required. However, the permit writer may meet informally with anyone wishing to view the application or learn more about the permit request. The application also may be viewed at the IDEM file room, or at the local county health department of the affected county.

If a permit is issued, a copy will be sent to the applicant, and copies also will be sent to local county officials (county commissioners), the county sheriff, and the county board of health. Upon request, the county planning office also will be provided with a copy. A Notice of Decision will be sent to the adjoining property owners, the affected parties, and to any person who has requested to be on the wastewater disposal program's permit notification mailing list. The Notice of Decision will summarize the permit, advising that it may be viewed at the IDEM file room or at the local health department of the affected county, and provide information on how OLQ's permitting decision may be appealed to the Office of Environmental Adjudication within 18 days of the permitting decision.

How can you participate in the process when IDEM is considering issuing approvals for confined animal feeding operations?

Any new animal feeding operation designed to confine at least 300 cattle, 600 swine or sheep, or 30,000 fowl in lots, pens, ponds, sheds or buildings where they are fed and maintained for at least forty-five (45) days during any year, must first be approved by the OLQ before construction and operation. Approvals are also required for existing operations expanding to confine more than the above mentioned numbers of animals. In addition small farms who have caused water quality violations are mandated to seek a state approval.

The central focus of a confined feeding operation approval process is to assure that the storage structures are designed to be watertight and that the farm has access to adequate acreage to accommodate manure recycling at a rate compatible with crop nutrient demand and soil fertility levels. One of the required components of a submitted application is the manure management plan, which describes manure treatment and control facilities, addresses soil and manure testing procedures, and establishes manure application areas. The manure management plan must be provided to OLQ for its review at least one (1) time every five (5) years. OLQ must act upon requests for confined feeding approvals within ninety (90) days.

Any farmer applying for a "first time" confined feeding approval for an existing or new facility must notify adjoining land owners and occupants, as well as the county commissioners' office, within ten days of submitting an application. Applicants for confined feeding approvals also must submit to OLQ, as part of their applications, a list of affected parties which, at minimum, must include all adjoining property owners and occupants notified by the applicant, as well as the county commissioners.

If significant interest is generated by the applicant's notice to adjoining property owners and occupants, OLQ will place a copy of the application in the nearest public library and

publish a public notice in a local newspaper with circulation in the area where the farm is located. That notice will describe the proposed confined feeding project and location, announce that there will be a thirty (30) day public comment period, mention that the application may be viewed at the library, name an OLQ contact person who can provide additional information, and advise how to submit comments or to request a public meeting or hearing.

If the request is granted for a public meeting, an informational meeting will be held, at which OLQ will discuss the proposal. If the request is granted for a public hearing, all testimony at the hearing will be recorded. At any public meeting or hearing, OLQ will present a briefing on its program and on the specific proposed application. The public comment period also may be extended, especially if it is alleged that those affected by the project were unaware of the comment period, and want more time to comment.

Once OLQ has reviewed the application, and held any public meetings, hearings, or comment periods it deems necessary, a decision will be made. If a confined feeding approval is granted OLQ will notify the county commissioners and the county health department of the affected county. It also will notify the nearest USDA Natural Resources Conservation Service office and the city or town officials of any affected city or town. In addition, OLQ will notify all the persons on the list of affected parties submitted by the applicant and any persons who may have submitted comments or requested to be notified of OLQ's decision.

Can you participate in the process when IDEM issues an approval for a waste tire storage or a waste tire processing facility?

Facilities storing or processing waste tires must obtain a certificate of registration from OLQ, which is valid for five (5) years. Although IDEM has thirty (30) days to process waste tire registration applications, they are usually processed within a week. Applications for renewal must be submitted ninety (90) days prior to the expiration date of the current certificate.

Applicants for waste tire storage or waste tire processing certificates of registration are required to notify all adjoining property owners or occupants (including those located on the other side of the street or road from the waste tire facility). Adjoining property owners or occupants should be notified within ten (10) days of when the application is submitted. Applicants also should provide to OLQ a list of the adjoining property owners and occupants who were notified, as well any other party which could be considered potentially affected by the waste tire operation.

If a waste tire storage or processing certificate of registration is issued to the applicant, OLQ will, in turn, mail a Notice of Decision to all adjoining property owners and potentially affected parties. That notice will describe the waste tire facility and provide information on how to file an appeal to seek an administrative review of OLQ's decision by the Indiana Office of Environmental Adjudication. Persons seeking the appeal must file a

petition with the OEA within eighteen (18) days of OLQ's decision to issue the certificate of registration.

Hazardous Wastes

Does everyone generating or handling hazardous waste need a permit?

No, generators of hazardous waste do not need a permit unless they also are treating, storing or disposing of their waste on-site. When no permits are required, there also is no public comment period or other opportunity for public comment. Nonetheless, IDEM does protect public health and the environment by regulating those who generate hazardous waste. The regulation of hazardous waste generators is described in the following paragraphs.

"Hazardous wastes" can be a solid or liquid waste, or a sludge. It can be the by-product of manufacturing processes or discarded commercial products which may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. The federal Resource Conservation and Recovery Act (RCRA) requires "cradle-to-grave" tracking of hazardous wastes; from generation, to transportation, to treatment, storage, and disposal.

There are two main types of hazardous waste; characteristic wastes and listed wastes. "Characteristic hazardous wastes" are those which are either ignitable, corrosive, reactive (or explosive), or toxic. "Listed hazardous wastes" are wastes which contain specific substances, or which are the byproduct of specific processes. The EPA maintains four separate lists – called the F, K, P, and U lists -- which include several hundred different hazardous, or acutely hazardous, wastes.

Hazardous wastes also are subject to two specific federal rules. The "derived from" and "mixture" rules. Any wastes that are derived from hazardous wastes are also considered to be hazardous wastes. For example, if hazardous waste is incinerated, the remaining ash also is hazardous waste because the ash was derived from hazardous waste. Similarly, under the mixture rule, any waste that is mixed with hazardous waste, is also considered to be hazardous waste. This is meant to eliminate the strategy of turning a hazardous waste into a non-hazardous waste by diluting it. Under the mixture rule, if you mix 10 pounds of hazardous waste with 990 pounds of non-hazardous material, you will have 1000 pounds of hazardous waste.

Hazardous Waste Generators

Many commercial and industrial activities may generate hazardous waste, and all facilities or persons which produce hazardous waste are considered generators. As stated previously, although hazardous waste generators are not required to obtain a permit unless they also intend to treat, store, and/or dispose of their hazardous waste onsite, all hazardous waste generators are regulated. All generators of hazardous waste are

responsible for identifying their hazardous wastes (knowing which wastes qualify as hazardous wastes), ensuring that their hazardous waste is properly handled onsite, and that when their hazardous waste is shipped offsite, it is only sent to a facility which is properly permitted or otherwise authorized to treat, store, or dispose of it.

There are three (3) categories of hazardous waste generators. These categories are determined by the amount of hazardous wastes or acutely toxic hazardous wastes they generate monthly, and/or on the amount of such wastes they accumulate on site at any given time.

For example, those facilities or individuals who generate more than 220 pounds, but less than 2200 pounds, of hazardous waste during any month of the previous year, or who accumulate (store temporarily) onsite at any one time a total of less than 13,227 pounds of hazardous waste, are considered Small Quantity Generators (SQGs). SQGs must register with IDEM to obtain a federal RCRA (Resource Conservation and Recovery Act) identification number. SQGs must ship their hazardous waste to a permitted hazardous waste treatment, storage, or disposal facility.

Facilities which generate, or accumulate onsite, less hazardous waste than a SQG are considered Conditionally Exempt Small Quantity Generators (CESQGs), and are not required to register with IDEM for a RCRA ID number. When it comes to disposing of hazardous wastes, households are also considered as CESQGs. CESQGs are not required to ship their hazardous waste to a licensed (permitted) hazardous waste disposal facility. Although households and other CESQGs may instead dispose of such wastes by way of their neighborhood curbside trash pick up, or contracted trash hauler, they should contact their municipal trash service, contractor, or Regional Solid Waste Management District regarding proper disposal requirements for the hazardous wastes they generate. SQGs and CESQGs may not exceed the allowable limits of their generator category for the amount of hazardous wastes they may generate, or accumulate onsite at any give time, or they will be reclassified into the appropriate higher category.

Meanwhile, facilities which generate, or accumulate onsite, more hazardous waste than a SQG are considered Large Quantity Generators (LQGs). In addition to registering for a RCRA ID number, and shipping their waste to a permitted treatment, storage, and disposal facility, LQGs must also pay an annual fee and submit to IDEM a biennial report documenting the handling of the hazardous waste they generate. Furthermore, anyone who generates 2.2 pounds, or more, of acutely toxic hazardous waste in any month, or who accumulates on-site at any time 2.2 pounds, or more, of acutely toxic hazardous, regardless of the rate of generation, automatically is subject to all the requirements applicable to a Large Quantity Generator (LQG) of hazardous waste, including filing a Biennial Report and paying the annual \$1,565 generator fee.

The period during which a hazardous waste generator may accumulate (temporarily store) hazardous wastes on-site without a permit is limited, depending on whether the generator is classified as a large or small quantity generator. Large Quantity Generators may only accumulate hazardous waste on-site for 90 days. Small Quantity Generators may accumulate hazardous waste on-site for 180 days before it must be properly shipped off-site to a licensed hazardous wastes treatment, storage, or disposal facility. However,

small quantity generators that ship wastes to facilities more than 200 miles away may accumulate their hazardous waste on-site for up to 270 days. No hazardous waste generator may store hazardous wastes on-site beyond these time limits without obtaining a hazardous wastes treatment, storage, and disposal facility permit from the IDEM OLQ.

Generators shipping hazardous waste off-site to a licensed hazardous waste treatment, storage or disposal facility also are required to use a qualified shipper and to meet all requirements to label waste containers and maintain accurate records of who had custody of the wastes, and where it was taken.

As mentioned previously, there are no public notices or opportunities for public comment associated with generating or shipping hazardous waste. However, persons with questions about whether there are registered generators in their neighborhood, or concerns about whether such wastes are being properly managed may call _____.

SIDEBAR

If you have access to the Internet, you also may visit the IDEM website at http://www.state.in.us/idem/olq/permits/permit_lists/index.html#registered to access a list of hazardous waste generators in your county (Hazardous Waste Notifiers List - Sorted by County, at: http://www.state.in.us/idem/olq/publications/lists_and_maps/hw_handler_county.pdf), a list of facilities in Indiana permitted to accept hazardous waste for treatment, [long term] storage, or disposal (Permitted Hazardous Waste Treatment, Storage and/or Disposal (TSD) Facilities List, at: http://www.state.in.us/idem/olq/publications/lists_and_maps/hazardous_tsd_list.pdf), or the most current report on the type and amount of hazardous waste generated by each generator in Indiana (1999 Hazardous Waste Generation, at: http://www.state.in.us/idem/olq/site_information/requests/99Gen_report.PDF). The report, "Hazardous Waste Generated in 1999" is organized by county, so to find information on a specific facility first scroll down the report until you find the county you are interested in, then scroll through the county list to find the facility in which you are interested. Under the facility name, you can view a list of the types and amount of wastes disposed of, and information on where the waste was shipped for treatment, storage, or disposal.

How are permits issued to facilities for the treatment, storage or disposal of hazardous wastes, and how can you participate in the permitting process?

What is the pre-application public participation process required for "new" or "significantly changed"(existing) hazardous waste facility permits?

Applicants seeking an initial permit for a "new" hazardous waste facility, or seeking a permit renewal that also includes significant changes to the existing permitted facility (changes the equivalent of a Class 3 Modification), are required to hold at least one public meeting prior to submitting their applications.

At least thirty (30) days prior to the "pre-application meeting", the applicant must place a public notice in the form of an advertisement in the primary newspaper of the affected county, and possibly in newspapers of adjoining counties if that is deemed necessary by OLQ. The applicant must provide additional public notice by posting a readable sign about the meeting at or near the facility property, and by announcing the meeting on at least one (1) local radio or television station. Each of these public notice formats should

list the date, time and location of the meeting, describe the proposed facility and the purpose of the meeting, provide a contact person for the applicant, and encourage people to contact the applicant at least seventy-two (72) hours in advance of the meeting if they have any special access needs. The applicant also should notify OLQ and other appropriate units of state and local government about the meeting.

At the “pre-application meeting” the applicant should solicit questions and comments, inform the community and interested parties of proposed hazardous waste management activities, and provide a sign-up sheet for attendees who wish to provide their names and addresses. After the meeting the applicant must submit to OLQ a summary of the meeting, a copy of the attendees sign-up sheet, and copies of any written comments or materials submitted at the meeting.

Hazardous Waste Permits; General Public Notice Information

The issuance, renewal, or significant modification of any permit for a hazardous waste storage, treatment or disposal facility includes substantial public notice requirements and opportunity for public input. Some public notice requirements must be implemented by the IDEM Office of Land Quality (OLQ), while others are the responsibility of the applicant.

OLQ maintains mailing lists used to notify interested persons regarding changes to the permit status of the various permitted hazardous waste management facilities in Indiana. The Individual Facility Mailing List includes city and local officials, state legislators, members of congress and all private citizens who have requested to be notified of changes to the permit conditions of any specific facility. OLQ also maintains a list of all people that wish to be notified of changes to permit conditions at any permitted hazardous waste facility in the state.

Each year, a public notice is placed in newspapers around the state advising people of what they need to do to be added to one of these lists. Other names are added to these lists based on written or telephone requests, or as a result of attending a public hearing regarding permitting, or modifying the existing permits of, hazardous waste facilities. If you wish to have your name added to one of these public notification lists, please contact the OLQ permitting branch at 317/233-1052 (Glynda Oakes).

Like all other IDEM applications for new permits or modifications, hazardous waste applicants are required to provide an affidavit stating that adjoining property owners and occupants were, or will be, notified within ten (10) days of the submission of an application. The applicant also must identify and provide the addresses of local county and city (or town) elected officials as part of the application. This information will help OLQ notify those officials about the application and the final permitting decision.

The OLQ has three hundred and sixty-five (365) days in which to issue permitting decisions for new hazardous waste landfills, incinerators or treatment or storage facilities, or for the renewal of permits for treatment or storage facilities. There is no time limit for OLQ to issue decisions to renew hazardous waste permits. There also is no time limit for OLQ to review a Post-Closure permit (a permit for maintaining and monitoring a closed land disposal unit), although OLQ tries to complete all permit reviews in 365 days.

What is the public notice process, and what are the opportunities for public participation associated with hazardous waste permitting?

When OLQ receives an application for a new facility, it notifies local county and city (or town) officials. However, local officials are not notified of applications for permit renewals for existing facilities.

Once a draft permit has been prepared by OLQ, a public notice is placed in the largest newspaper within the affected county, in the most local newspaper (if it is different from the largest newspaper), on a local radio station, and on the OLQ Internet website. At that time, OLQ also will place in the local library a copy of that draft permit, a copy of the original application, a fact sheet, and a copy of the public notice announcement.

SIDEBAR:

(The Good Character disclosure statement is required of all applicants for commercial hazardous waste treatment, storage, and/or disposal facilities. It should describe any prior legal proceedings, judgements, or convictions. The applicant's experience managing similar wastes, any prior complaints that resulted in fines and any record of violating state and federal law or endangering public health should also be made known, with descriptive accounts of any such transgressions. OLQ may deny a permit to any applicant with a substantial record of convictions, repeated violations, or intentional misrepresentation.)

The public notice announces the availability of a draft permit for public review. It also declares that a 45 day public comment period will begin on the day after publication of the public notice. The public notice describes where the application, fact sheet, Good Character disclosure statement, and draft permit may be viewed (at the library, OLQ file room, and IDEM regional offices) and also will provide an OLQ contact person for obtaining additional information.

If the application request is for a new facility, or the renewal of a hazardous waste landfill or incinerator, a public hearing will automatically be scheduled by OLQ, and the date, time, and location of that meeting also will be included in the public notice. The hearing will be held at least 30 days into the 45 day public comment period. If a public meeting or public hearing is not automatically scheduled and announced in the initial public notice, OLQ may grant a requests for such a meeting or hearing. At that time, OLQ would also automatically extend the public comment period.

OLQ has issued hazardous waste permits to less than 30 facilities statewide. Some are for private facilities which only treat, store, and/or dispose of wastes generated onsite. Hazardous waste treatment, storage, and/or disposal facilities that receive hazardous wastes from offsite are considered commercial facilities, and must submit a Good Character disclosure statement as part of the application process. During the public comment period, OLQ also will receive comments regarding the Good Character disclosure statement of applicants for commercial facilities.

After the public comment period and any extensions to it have expired, the OLQ will prepare and issue a final permitting decision. A copy of the permit is sent to the applicant and a Notice of Decision is sent to local officials, all persons on the OLQ mailing lists, all persons who signed up at public meetings or hearings to received notice of the final decision, and to all persons who submitted comments. The Notice of Decision states whether the permit was issued or denied, and is accompanied by a Response to

Comments which responds to all relevant comments about the permit which were submitted during the public comment period or at the public hearing. The Notice of Decision also includes information on how to appeal OLQ's decision by submitting a petition to the Office of Environmental Adjudication for an administrative review or stay of the decision. Any such petition must be submitted within eighteen (18) days (15 days, plus 3 days for mail handling) of receipt of the Notice of Decision.

What is the public notice process and what are the opportunities for public participation associated with changes (permit modifications) to existing hazardous waste permits?

SIDEBAR:

Listed below are the allotted time frames within which OLQ may review requests for various levels of modifications to existing hazardous waste treatment, storage, and/or disposal facilities:

365 Days

Class 3 modifications to hazardous waste landfills

270 Days

Class 3 modifications to hazardous waste treatment or storage facilities

120 Days

Class 2 modification to a hazardous waste facility (landfill, incinerator, treatment or storage facility)

60 Days

Class 1 modifications to a hazardous waste facility (landfill, incinerator, treatment or storage facility) requiring prior written approval from OLQ

When a permit is modified, only the conditions subject to modification are reopened. The IDEM OLQ must maintain a list of all approved permit modifications, and must publish a notice once a year in a statewide newspaper that an updated list is available for review. Modifications can be requested by the permit holder (permittee). However, the IDEM OLQ can modify the permit at any time based on information that cause exists to require such modifications to assure that the permit continues to comply with current applicable standards. Members of the public also may make a case that a permit should be modified.

Class 3 Modifications substantially alter the facility or its operations. The permittee must identify its request to OLQ as a Class 3 modification, describe the exact changes to permit conditions and the supporting documents referenced by the permit, and explain why the modification is needed.

The permittee must notify all appropriate units of state and local government and all persons on the facility mailing list maintained by OLQ. The permittee also must publish a notice in a major local newspaper within seven days (before or after) the submission of the modification request. In addition, the permittee must provide a 60 day public comment period, hold a public meeting no earlier than 15 days after the public notice and no later than 15 days before the end of the comment period. The permittee also must make copies of the modification request and supporting documents available to the public

for viewing or copying as well as provide a contact within IDEM from where the public can obtain the compliance history of the permitted facility.

OLQ must notify all appropriate units of state and local government and all persons on the facility mailing list within 10 days of any decision to grant or deny a Class 3 Modification. At that time, it also must respond to all significant written comments received during the public comment period.

Within 270 days after receiving the modification request OLQ must approve or deny it. OLQ also has the option to grant a temporary, 180 day authorization to change the conditions of the permit (see Temporary Modification Authorizations, on page __ [next page]).

Class 2 Modifications apply to changes that are necessary to enable a permittee to respond in a timely manner to variations in the types and quantities of waste managed by the facility. Class 2 modifications also are required before a facility can adopt technological advancements, or make changes necessary to comply with new regulations, without substantially changing the design specifications or management practices in the permit.

The permittee must submit a request to OLQ which identifies the requested permit change or changes as a Class 2 Modification request. The request must describe the exact changes to be made to permit conditions and explain why they are needed. The permittee must also notify all appropriate units of state and local government and all persons on the facility mailing lists maintained by OLQ. They also must publish public notice, and provide a 60 day comment period. In addition, the permittee must hold a public meeting no earlier than 15 days after the public notice but no later than 15 days before the end of the comment period. The permittee must make copies of the modification request and documentation available to the public.

Within 120 days after receiving the request, the OLQ must approve or deny it. Or, it may instead determine that the permittee must follow the procedure for a Class 3 Modification due to the level of public interest, or the complex nature of the change. OLQ also has the option to grant a temporary, 180 day authorization to change the conditions of the permit (see Temporary Modification Authorizations, on page __ [next page]).

OLQ must notify all appropriate units of state and local government and all persons on the facility mailing list within 10 days of any decision to grant or deny a Class 2 Modification.

Class 1 Modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. They do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment.

The permit holder must notify the OLQ within 7 calendar days of the modification being put into effect, stating the changes being made, and why they are necessary. However, some Class 1 Modifications requests do require OLQ's prior approval. In those instances, the permit holder must, within 90 calendar days after the modifications are approved, notify all appropriate units of state and local government and all persons on the facility mailing lists maintained by OLQ.

Temporary Modification Authorizations

Upon the request of the permittee, OLQ may, without prior public notice, grant a temporary authorization of a Class 2 or Class 3 modification. However, that authorization must be in compliance with established national standards for the acceptable management of hazardous waste.

Such temporary authorizations are most appropriate when necessary to facilitate timely implementation of closure or corrective action, to allow treatment or storage in tanks, containers or containment buildings in accordance with established national standards, to prevent disruption of ongoing waste management activities, to enable permittees to respond to changes in the type and quantities of wastes to be managed, or to facilitate other changes to protect human health and the environment. A temporary authorization may be reissued for one additional 180 day period if the permittee has applied for a Class 2 or 3 modification.

Like all IDEM permitting decisions, modifications to hazardous waste permits may be appealed to the Office of Environmental Adjudication within 18 days of receipt of the notice of decision.